

MONDAY, DECEMBER 6, 2004

RULE PROPOSAL

COMMUNITY AFFAIRS

DIVISION OF FIRE SAFETY

UNIFORM FIRE CODE

KEY BOXES

Proposed Amendment: N.J.A.C. 5:70-1.5

Proposed New Rule: N.J.A.C. 5:70-2.23

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198 and 198.14.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2004-441.

Submit comments by February 4, 2005 to:

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The agency proposal follows:

Summary

The Department of Community Affairs proposes a new rule at N.J.A.C. 5:70-2.23 to expand the existing Uniform Fire Code (N.J.A.C. 5:70) and to implement Section 2 of P.L. 2003, c.211 (N.J.S.A. 52:27D-198.14). The proposed new rule would establish specifications for key boxes that municipalities, by ordinance, may require owners to install on buildings, structures, or premises or portions thereof to which firefighter access is restricted due to secured openings, or where immediate access is made necessary by the activation of an automatic fire alarm or suppression system or for any life-saving or firefighting purposes. To insure a fire department or fire company only uses one key box key, the enabling ordinance would specify the make and model of key box for use throughout the jurisdiction. A key box would not be required (1) if the building or structure is occupied 24 hours per day, seven days per week by responsible personnel who have access to all areas of the premises or (2) in residential occupancies containing no elevator, no locked common areas and/or having no master key capability. The key box would have to be listed, would need a

monitored anti-tampering switch if an existing, monitored alarm system is available, and would contain the keys necessary to provide firefighter access to elevators without standardized fire recall keys and to all portions of the premises. Within 90 days of receipt of a notice from a fire official to do so, an owner would have to install a key box in a lighted location on the exterior of the premises at least six feet above adjacent grade. At the time of installation, key box keys shall be provided to the chief of the fire company or department having jurisdiction who would have to establish procedures for safeguarding the key and key box system.

The Department would also include a definition for “fire company” in N.J.A.C. 5:70-1.5 to make it clear that the fire company referred to in the proposed new rule is the fire company discussed throughout the Uniform Fire Code. This would eliminate the possibility that company officers in larger paid departments would believe that owners would have to provide them as well as the department chief with key box keys.

Since a 60-day comment period is provided for this proposed new rule and amendment, they are excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rule and amendment would have a positive social impact since they would enable emergency service personnel to have immediate access to restricted areas for the purpose of life-saving or fire-fighting, they would allow safe entry without force or injury to firefighters, and they would lessen the time needed to respond to false alarms.

Economic Impact

A basic key box would cost less than \$200.00 with additional costs for monitored, anti-tampering switches for premises with existing, monitored alarm systems. The total costs would vary depending on the size of the owner’s operation and the complexity of the key box system owners wish to install.

If a fire company or its municipality decided to purchase a system for securing master keys, that system and its procedures could be implemented for less than \$500.00.

There would be a reduction in costs associated with forced entries and false alarm responses.

Federal Standards Statement

A Federal standards analysis is not necessary since the new and amended rules are not being proposed under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that this proposed amendment and new rule would have any impact on the number of jobs in the State.

Agriculture Industry Impact

The Department does not anticipate that this proposed amendment and new rule would have any significant impact on the agriculture industry; however, some farm buildings, structures or premises may be required, by municipal ordinance, to install key boxes.

Regulatory Flexibility Analysis

The proposed amendment and new rule would not impose any reporting or recordkeeping burden upon “small businesses” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.; however, they would impose compliance requirements on property owners, fire companies, and fire departments, including those that would qualify as “small businesses.” Property owners would have to install and maintain key boxes, and fire companies and fire departments would have to establish procedures for safeguarding the key box system. Since the proposed amendment and new rule are intended to protect public safety, it would be inappropriate to require a lesser standard of compliance from such “small business” entities.

The professional services of alarm, fire or other contractors may be necessary to tie some key boxes with anti-tampering switches into monitored alarm systems.

Smart Growth Impact

The Department does not anticipate that the proposed amendment and new rule would have any impact on the achievement of smart growth in the State or the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows :

5:70-1.5 Definitions

The following terms shall have the meaning indicated except where the context clearly requires otherwise. All definitions found in the Uniform Fire Safety Act, P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq., shall be applicable to this chapter. Where a term is not defined in this section or in the Uniform Fire Safety Act, then the definition of that term in the Uniform Construction Code at N.J.A.C. 5:23-1.4 shall govern.

...

Fire company” means a private volunteer organization established for the purpose of fighting fires.

...

5:70-2.23 Key boxes

(a) When authorized by a municipal ordinance, owners of buildings, structures, or premises or portions thereof to which firefighter access is restricted due to secured openings, or where immediate access is made necessary by the activation of automatic fire alarm or suppression

systems or for any life-saving or fire fighting purposes, may be required by the fire official to install a key box.

1. Key boxes shall not be required for premises that are occupied 24 hours per day, seven days per week by on-duty, responsible, immediately available personnel who have access to all areas of the premises.

2. Key boxes shall only be required in residential occupancies to provide access to elevators without standardized keys, locked common areas and portions of the premises accessible to maintenance personnel having master keys.

3. For consistency and to insure the fire department or fire company has to use only one key, the municipal ordinance shall specify the make and model of key box to be installed by owners.

(b) The key box shall be listed and shall contain the keys necessary to provide firefighter access to elevators without standardized fire recall keys and to all portions of the premises.

© The key box shall be installed in a lighted location on the premises at least six feet above adjacent grade or as otherwise directed by the fire official.

(d) The key box shall be provided with a monitored, anti-tamper switch in all premises with an existing, monitored alarm system.

(e) Owners shall install key boxes within 90 days of receipt of notice to do so from the fire official.

(f) Upon installation, owners shall provide key box keys to the chief of the fire department or fire company having jurisdiction.

(g) Each fire chief with access to a key box key shall adopt procedures for protecting the integrity and security of the master keys system which allows access to key boxes within his or her jurisdiction. Procedures shall include, but not be limited to:

1. A definition of authorized uses and users of the system;

2. Specific means of access to the system;

3. Protection against unauthorized or uncontrolled use of master keys or master key systems;

4. Secure storage systems for master keys;

5. A system for release and control of master keys from a central dispatch location;

6. The recording of individuals having access to the master key, including date, time and location of access; and

7. Protections and safeguards against unauthorized duplication of master keys or access systems.